

Factors and Proposals for Improving the Efficiency of the Enforcement of Judicial Decisions in Ukraine

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ABSTRACT: *This study aims to analyse the primary factors limiting the efficiency of judicial decision enforcement in Ukraine, identify the key determinants, and propose measures to enhance this process. The methodological foundation of the research used an analysis of regulatory legal acts and scientific literature. Academic sources were selected following the PRISMA method, which made it possible to attract the most relevant scientific literature (47 publications). The findings highlight that the failure to enforce judicial decisions in Ukraine is a multifaceted issue requiring further resolution. Specific challenges include economic constraints, inconsistencies in accessing data from various databases and registers, corruption-related matters, and the disproportion between state and private executors. Proposals for improvement include updating government programmes for the compensation of judicial debts and amending regulations on the sale of state property by lifting moratoriums on such sales. It is also proposed to increase the state's share to 75% and restructure existing debts. Another potential measure involves increasing the number of private executors, granting them broader powers, and improving their access to state information. The methodology explicitly prioritised studies published in English to facilitate additional critique and analysis within the multinational research community, which tends to engage more actively with English-language publications. The conclusions emphasise that the current situation regarding the non-enforcement of judicial decisions requires further comprehensive reforms, particularly in the existing legislative framework. A promising area for further research is the analysis of foreign practices that can be applied to Ukrainian realities.*

Penelitian ini bertujuan untuk menganalisis faktor-faktor utama yang membatasi efisiensi penegakan putusan pengadilan di Ukraina, mengidentifikasi faktor-faktor penentu utama, dan mengusulkan langkah-langkah untuk meningkatkan proses ini. Landasan metodologis penelitian ini menggunakan analisis peraturan perundang-undangan dan literatur ilmiah. Sumber-sumber akademis dipilih dengan mengikuti metode PRISMA, yang memungkinkan untuk menarik literatur ilmiah yang paling relevan (47 publikasi). Temuan penelitian ini menyoroti bahwa kegagalan dalam menegakkan putusan pengadilan di Ukraina merupakan masalah yang memiliki banyak sisi yang membutuhkan penyelesaian lebih lanjut. Tantangan-tantangan khusus termasuk kendala ekonomi, ketidakkonsistenan dalam mengakses data dari berbagai basis data dan register, masalah-masalah yang berkaitan dengan korupsi, dan ketidakseimbangan antara eksekutor negara dan swasta. Usulan untuk perbaikan termasuk memperbarui program pemerintah untuk kompensasi utang peradilan dan mengubah peraturan tentang penjualan properti negara dengan mencabut moratorium penjualan tersebut. Selain itu, diusulkan untuk meningkatkan bagian negara menjadi 75% dan merestrukturisasi utang yang ada. Langkah potensial lainnya adalah dengan meningkatkan jumlah pelaksana swasta, memberikan mereka kekuasaan yang lebih luas, dan meningkatkan akses mereka ke informasi negara. Metodologi ini secara eksplisit memprioritaskan studi yang diterbitkan dalam bahasa Inggris untuk memfasilitasi kritik dan analisis tambahan dalam komunitas penelitian multinasional, yang cenderung lebih aktif terlibat dengan publikasi berbahasa Inggris. Kesimpulan dari penelitian ini menekankan bahwa situasi saat ini terkait dengan tidak dilaksanakannya putusan pengadilan membutuhkan reformasi yang lebih komprehensif, terutama dalam kerangka kerja legislatif yang ada. Bidang yang menjanjikan untuk penelitian lebih lanjut adalah analisis praktik-praktik asing yang dapat diterapkan pada realitas Ukraina.

Keywords: *Enforcement Officers, Judicial Decisions, Decision Enforcement, Abuse, Challenges, Moratorium.*

I. INTRODUCTION

In the contemporary democratic world, enforcing judicial decisions is a crucial element of an effective legal system, as it directly impacts the realisation of justice (based on the rule of law theory). This study's theory of the rule of law emphasizes that the effective enforcement of court decisions is not just a technical procedure. Still, it is an integral part of the rule of law, where the government is controlled by law and the rights of citizens are guaranteed and enforced. Given this, it is critical to stress the pressing nature of the Ukrainian issue, which is supported by reliable sources. Specifically, the European Commission for Democracy through Law (Venice Commission) report has often highlighted the systematic issue of court rulings in Ukraine not being enforced, which erodes trust in the legal system and impedes legal change.

However, the issue of low efficiency in enforcing judicial decisions undermines any positive transformations within the existing judicial system. Without addressing this issue, further changes and reforms in the judiciary lose their practical significance. Additionally,

a court system aligned with modern international practices will hold little practical value for society if its decisions, especially those against state authorities or entities, cannot be enforced.

The researchers reviewed the scientific approaches to enforcement proceedings in Ukraine, emphasizing the role of enforcement of court decisions in ensuring constitutional rights and enforcement of court decisions. First, contemporary authors have characterised various aspects of enforcement proceedings in Ukraine. According to recent studies, the socially oriented nature of transformative changes in Ukraine's development necessitates the introduction of effective mechanisms for ensuring constitutionally guaranteed citizens' rights, including the right to judicial protection ([Holodnyk et al.](#), 2023; [Krupchan et al.](#), 2023). Furthermore, properly enforcing court decisions is a pivotal factor in the effective functioning of the judiciary and the state apparatus. Scholars highlight that implementing judicial decisions represents a core component of modern adjudication; without the actual enforcement of court rulings, the essence of justice is rendered meaningless ([Baranyanan et al.](#), 2024).

In the works of [Brekke et al.](#) (2023) and [Lubis](#) (2024), it is noted that the right to a fair trial encompasses access to the court system and the crucial right to enforce judicial decisions. Consequently, enforcement proceedings are key in safeguarding individuals' and legal entities' rights and freedoms ([Gentile](#), 2023).

Other researchers have focused on implementing executive mechanisms and developing the rule of law, as well as some empirical public opinion studies on these issues. For example, contemporary scholarship underscores that enforcement mechanisms are fundamental to a state that fosters the development of a legal and civil society ([Bello](#), 2024; [Magalhães et al.](#), 2023). An empirical study conducted by [Navarrete & Castillo-Ortiz](#) (2020) examines public perceptions of judicial systems. The authors conclude that constitutional courts may adversely affect public attitudes towards the judiciary, particularly regarding perceptions of judicial independence and fairness.

The issues of Ukraine's reforms and certain administrative justice elements have been identified in separate studies. Several studies have pointed out the low efficiency of Ukraine's enforcement proceedings in executing judicial acts. Specifically, reforms that enforce court decisions and those of other authorities, as outlined in Ukraine's laws "On Enforcement Proceedings," have fallen short of expected outcomes ([Potapenko et al.](#), 2021). [Kravtsova & Petrova](#) (2018) explored the scientific and practical evaluation of administrative jurisdiction in the context of Ukraine's new administrative procedural norms. Following the adoption of the new Code of Administrative Procedure, their study clarified issues of jurisdiction and territorial competence of Ukrainian administrative courts. In a separate survey, [Kyselova](#) (2014) conducted a five-year analysis of the judicial experiences of selected Ukrainian enterprises. Her findings revealed critical aspects of the dual commercial judicial system in Ukraine. While most parties in routine cases reported generally favourable experiences, a minority of instances encountered "black tracks," significantly hindering the restoration of justice. [Prytyka et al.](#) (2022) identified key legal challenges in Ukrainian legislation.

Similarly, [Potapenko et al.](#) (2021) examined the incorporation of specific international standards into the reform of the national judicial system. [Petriv](#) (2020) analysed the functionality of Ukraine's Constitutional Court, identifying key characteristics of constitutional justice and its role in sustaining state institutions. His research emphasised the importance of constitutional justice in fostering a legal and democratic state supported by innovative and effective institutions. Additionally, he addressed challenges within enforcement processes ([Petriv](#), 2020).

Considering these findings, numerous issues related to enforcing judicial decisions in Ukraine remain unresolved. This problem continues to be of significant academic and practical relevance. Notably, insufficient attention has been paid to identifying potential opportunities for improving the efficiency of judicial enforcement in Ukraine. This study seeks to address these gaps by identifying the key obstacles and factors limiting the effectiveness of judicial enforcement. Furthermore, it will propose targeted mechanisms and recommendations to mitigate the identified challenges.

In Ukraine, the enforcement process faces several serious challenges, including delays in execution procedures and a lack of transparency. These issues erode public trust in the judicial system and hinder the development of a rule-of-law state. Thus, the problem of efficient judicial decision enforcement remains highly relevant for Ukraine.

Despite ongoing efforts to reform and optimise legislative processes, most enforcement orders are not implemented effectively, leading to significant social and economic repercussions. Identifying the factors that influence the efficiency of judicial decision enforcement and formulating concrete proposals for improving it represent critical areas of focus for enhancing the state legal system.

The central research problem is that, despite numerous legislative initiatives and legal reforms in Ukraine, the enforcement of judicial decisions remains weak. This issue affects civil and criminal cases, where specific difficulties in enforcement arise from poor coordination between judicial and executive authorities. Moreover, corruption and inefficiencies in leveraging innovative technologies are also prominent factors. The urgency of addressing this research problem is heightened by growing demands for transparency and fairness in legal enforcement, as observed in EU countries and as part of Ukraine's broader judicial reform process.

This study focuses on identifying the key factors for optimising the efficiency of judicial decision enforcement in Ukraine and developing proposals for improving enforcement processes. A comprehensive analysis that combines legal, administrative, and technological challenges in enforcement, especially regarding public authorities, is still lacking. The study includes an examination of both internal and external factors affecting judicial enforcement. It seeks to understand common forms of non-compliance with mandatory judicial decisions, particularly those involving state authorities in Ukraine.

This research aims to critically analyse the main factors limiting the effectiveness of judicial decision enforcement in Ukraine, identify the key determinants, and propose strategies for improvement. Accordingly, the primary research questions are as follows:

- 1) To analyse academic materials on the key factors affecting the enforcement of judicial

decisions. 2) To identify the problems in the enforcement process that directly influence the effectiveness of justice. 3) To examine potential solutions discussed in the scientific literature to address these challenges.

Based on the theoretical review and literature analysis, the study proposes the following hypothesis to be tested using the theoretical basis of the rule of law: First, an inefficient organisational structure within executive authorities significantly complicates the judicial decision enforcement process. Second, the absence of innovative tools for automation in enforcement proceedings delays the implementation of judicial decisions and increases the likelihood of errors.

II. METHOD

The study proposes a qualitative analysis method focusing on legal documentation, including legislative acts, court decisions, conclusions of international organizations, and scientific literature. This approach allows us to identify key problems in implementing court decisions in Ukraine and assess their compliance with the principles of the rule of law.

The study employs various types of materials, including:

1. Legislative and regulatory acts governing enforcement proceedings in Ukraine.
2. Data from the Ministry of Justice of Ukraine and other statistical services.
3. Analytical reports and reviews produced by international organisations.
4. Scientific literature, including monographs, scholarly articles, and conference proceedings.

The reviewed academic literature primarily spans publications from 2018 to 2024. All sources meet predefined criteria, such as a substantive connection to judicial practices in Ukraine and the EU and relevance to the research topic. Only peer-reviewed sources were considered, ensuring a rigorous verification and editorial process.

The literature review's geographical focus includes Ukraine and EU countries, with additional studies on judicial practices in other nations incorporated for comparative analysis. These broader studies were included to draw meaningful parallels with Ukraine's practices.

The material collection stage played a critical role in the research process. A targeted selection process identified seven legislative acts, analytical reviews, and statistical materials relevant to the study.

The PRISMA approach was utilised to identify key academic sources. This method facilitated the systematic collection and inclusion of the most pertinent materials. The following academic databases were searched: Scopus and Google Scholar. Search queries included keywords such as judicial system, enforcement proceedings, enforcement process, court decision execution, Ukraine, factors, prospects, and optimisation. A total of 3,455 results were initially retrieved.

The selection process involved:

1. Eliminating duplicate entries.
2. Excluding articles unrelated to the research topic.

The inclusion criteria were strictly defined as follows:

1. The study addresses the realities of Ukraine's judicial system.
2. The work provides a detailed examination of court decision enforcement procedures in Ukraine.
3. The study establishes a substantive connection between the judicial systems of EU countries and the enforcement of court decisions.
4. The primary language is English. In exceptional cases, Ukrainian-language sources were included if accompanied by an English abstract (see Figure 1).

This rigorous approach ensured the selection of high-quality sources directly relevant to the research objectives.

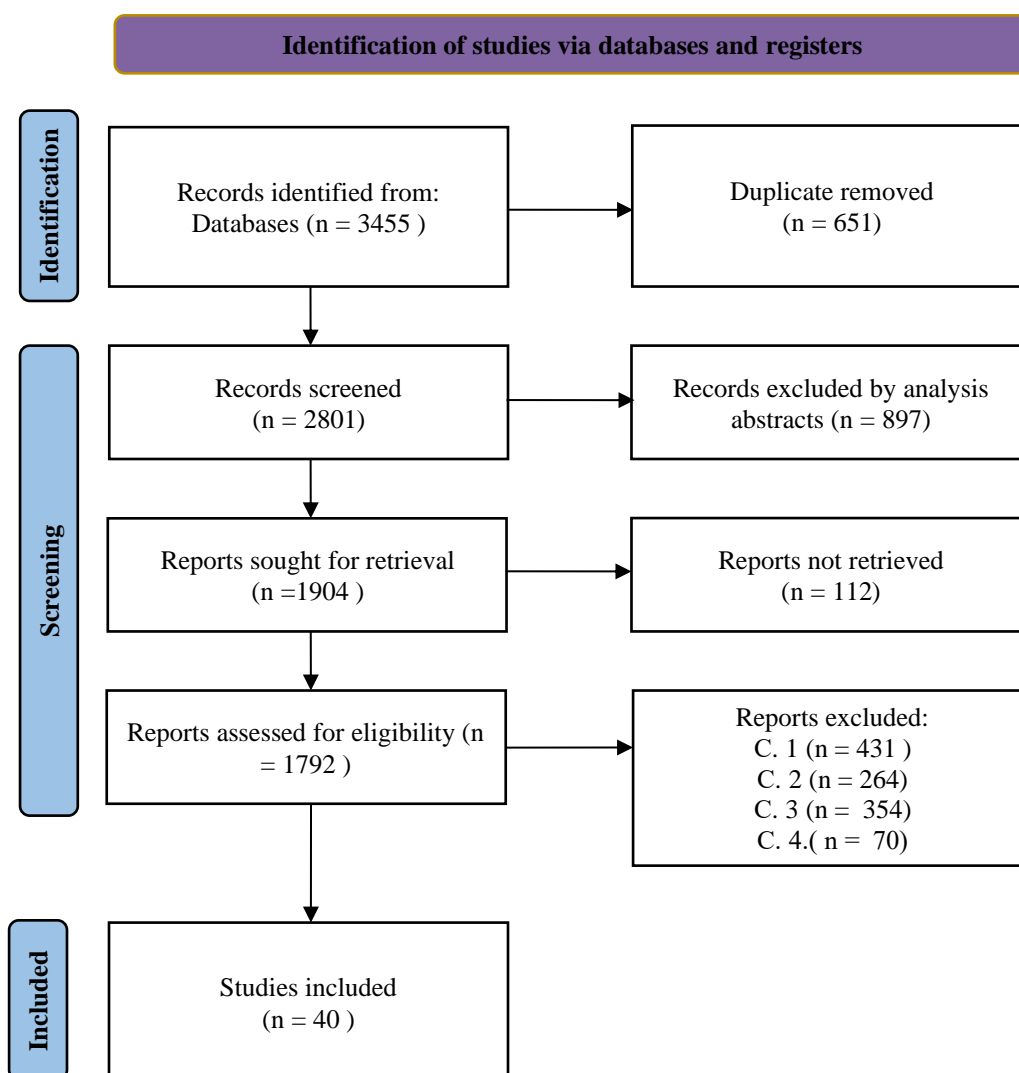


Figure 1. PRISMA flowchart (Source: Authors' development)

Within the case study approach, the data analysis was rigorously focused on identifying key factors influencing the effectiveness of court decision enforcement in Ukraine. The analysis was conducted using Google Sheets, where primary tables were created to categorise the research themes. The first table addressed the areas of legislation, analytical reports, and key provisions. The second table was based on literature analysis, encompassing details such as the author, year of publication, factors affecting the enforcement of court decisions, and identified issues.

All collected data were subsequently categorised into the following key themes:

1. Factors influencing decision enforcement.
2. Responsibilities of the involved parties and enforcement authorities.
3. Challenges at the enforcement stage.

These themes were synthesised and subjected to comparative analysis with practices of court decision enforcement in other countries.

As an additional tool for information organization, Google Sheets was utilized to organize and arrange the data gathered. At the same time, the study's focus moved from using software technically to ensuring the results were reliable. Methodological triangulation was employed for this aim, comparing the findings of the expert survey with information gathered from the content analysis of official documents and observations of how the pertinent legal systems operated. Double coding was employed to improve the data categorization's dependability: the materials were coded by two separate researchers, and disagreements over the classification were discussed until an agreement was reached.

Analysing the selected case (Ukrainian realities) enabled the identification of fundamental systemic problems impacting the effectiveness of court decision enforcement in Ukraine. The synthesis and generalisation of the findings allowed for the development of valuable practical recommendations to optimise the enforcement process at the national level.

III. RESULT AND DISCUSSION

The Enforcement of Judicial Decisions by the State Enforcement Service of Ukraine

The effective enforcement of judicial decisions is recognised as a cornerstone for upholding the rule of law, safeguarding the rights and freedoms of citizens, and maintaining a sufficient level of trust in the judicial system in Ukraine. The specifics of the Ukrainian context link the importance of law enforcement activities with the country's socio-political realities, including the post-conflict situation and the need for legal reforms. However, the current practices for implementing such decisions face numerous challenges, which, to some extent, undermine their enforceability (see Figure 2).

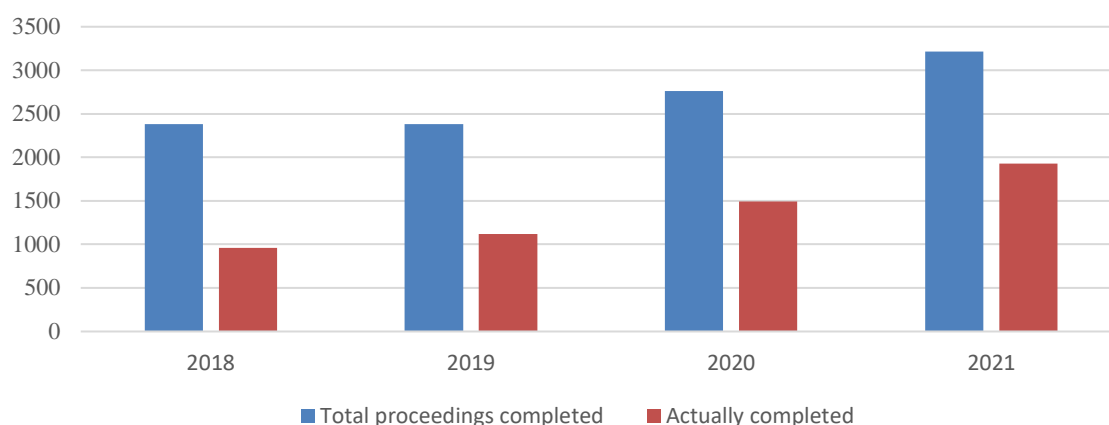


Figure 2. *Statistics on the enforcement of judicial decisions by the state enforcement service of Ukraine, 2018–2020 (in Thousands)* ([Justlicitors](#), 2020)

The low rate of judicial decision enforcement has specific economic implications. However, some technical solutions have been proposed, such as the use of the “Diia” system ([Diia](#), 2022), the effectiveness of which has also been noted by researchers ([Krupchan et al.](#), 2023). For instance, researchers examining several Latin American countries have identified a correlation between the enforcement of judicial decisions and the macroeconomic consequences of non-compliance. Given that Ukraine faces challenges similar to those observed in Latin American states in its justice sector, these findings are also relevant to the Ukrainian context. Specifically, the low effectiveness in enforcing judicial decisions can lead to reduced economic transactions, decreased investment inflows, geographic constraints on establishing business relationships, limited mechanisms for conducting digital payments, increased credit rates, inflation, and more ([Ribeiro & Fondevila](#), 2023).

In 2019–2020, Ukraine ranked seventh from the bottom in compliance with the European Court of Human Rights decisions. The persistent underfunding of the system for implementing court decisions, particularly the absence of efficient budget planning mechanisms for the repayment of the state's obligations under court decisions, is one of the structural causes of the low level of implementation of the European Court of Human Rights rulings in Ukraine in 2019–2020. As of late 2019, Ukraine had implemented 63.5% of such decisions, while 36.52% remained pending. States performing worse than Ukraine included Moldova (62.3% of cases implemented), Malta (61.6%), Armenia (58%), Albania (58.1%), and Russia (39.01%, with 60.99% pending enforcement). Azerbaijan ranked last, with only 17% of decisions implemented. As of 2024, Ukraine's performance has slightly improved, with 63% of cases resolved and 37% still pending enforcement (see Figure 3).

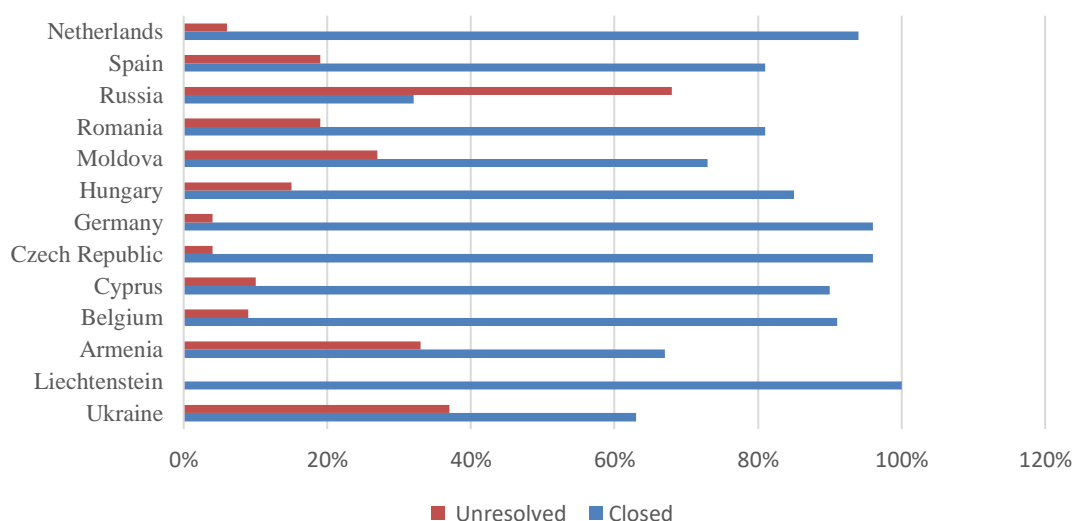


Figure 3. Statistics on non-enforcement of European court of human rights decisions
([Execution Department](#), 1995)

According to the observations of international legal institutions (European Court of Human Rights, Venice Commission, Council of Europe), there are significant barriers to the implementation of judicial decisions, as frequent changes in the legislative framework introduce a certain level of chaos into the work of the executive service, creating opportunities for abuse or the emergence of legal conflicts. For instance, the process for enforcing decisions has become unstable due to specific revisions to the Law of Ukraine "On Enforcement Proceedings" (the most recent major reform was dated December 15, 2021), particularly about the extent of the authority of state and private enforcement officers. This situation, in general, does not contribute to fostering trust in the judicial system in Ukraine. Issues also arise from the process of adhering to budgetary discipline, under which the reimbursement of court-ordered expenses is carried out. A fundamental problem is the lack of funds to execute court decisions (for instance, the inability of a debtor to fulfil their obligations) ([Gordienko et al.](#), 2024). Experts have suggested adopting a restructuring plan for payments (primarily concerning ECHR decisions), and transitioning to gradual debt repayment is an appropriate solution. This may require adopting government programmes that guarantee a certain percentage of reimbursement, including through the issuance of treasury bills. A significant step towards simplifying the enforcement of judicial decisions could be creating a unified database for judicial decision enforcement, which would greatly ease access for bailiffs in implementing the material components of court rulings ([Bogdan](#), 2022; [Franchuk et al.](#), 2018). Among potential mechanisms is a simplified, automated decision enforcement system. However, there are some reservations regarding this. The automated enforcement system is currently operational and is used to register relevant actions between bailiffs, divide cases among various state executors, and monitor deadlines and account statuses involved in executing decisions. Its minimal interaction with other state registers is a weak point in its operation. For example, the State Register of Civil Status Acts of Ukrainian citizens, the Unified State Register of Legal Entities and Individual Entrepreneurs, and other essential registers do not interact with this system. First and

foremost, it would be beneficial to establish functional links between the Automated Enforcement System and the Unified State Register of Court Decisions ([Mokiy et al., 2020](#); [Shrub, 2024](#)). The next step should be connecting data from various databases regarding the accounts of individuals and legal entities, though this remains a distant prospect.

The practical implementation of automated management systems also directly depends on a well-established cybersecurity environment. This process is especially relevant in wartime since the vulnerability of such systems poses a threat not only to the functioning of enterprises but also to national security. Recent practice shows that hacker attacks on APCS have already led to their hacking. This made it difficult for executors to work and access important information, documents, and the scope of enforcement proceedings. This situation emphasises the need for such actions as strengthening data protection (ensuring secure storage and transmission of information to prevent attackers from accessing enforcement documents), creating backup copies (to restore systems after a hack quickly), forming clear protocols for responding to cyber incidents (will help minimise the consequences of attacks), introducing modern cyber protection technologies and training personnel. Thus, protecting automated management systems in wartime is not just a technical task but also a strategic mechanism that requires attention from the state.

Russian aggression against Ukraine has exacerbated the accumulation of economic issues. The inability to enforce court decisions due to a lack of financial resources often leads to unresolved court rulings ([Execution Department, 1995](#)). This includes the operation of moratoriums on disposing of state-owned enterprises' assets with debts from court decisions (including those where the state holds more than 25% ownership). The continued operation of such moratoriums has led to situations where, although the state did not hold a controlling stake in an enterprise, the state's share exceeded 25%, making the enforcement of court decisions within the framework of executive proceedings impossible. As a result, a backlog of cases developed, and it was impossible to implement claimants' rights, even if a court ruling supported them. The struggle against such moratoriums has not been sufficiently compelling. Some proposed mechanisms involved the engagement of the State Treasury Service of Ukraine (in cases concerning the enforcement of decisions regarding state-owned enterprises' debts or obligations). When insufficient funds were in the enterprise's accounts, financial resources were drawn from specific expenditure articles in the state budget for those years. These withdrawals were accounted for as expenditures in the State Budget. As a result of the withdrawals, an inspection of the enterprise's operations was conducted, and the findings were forwarded to fiscal or law enforcement agencies (if serious violations were detected). However, chronic shortages of funds in the State Budget made it impossible to carry out the planned payments. Corruption and the ineffective use of resources prevented an effective response to abuses by state enterprise managers. Possible solutions to this situation could include the gradual privatisation of state enterprises, reducing state ownership, and abandoning the policy of moratoriums.

A significant challenge to enforcing judicial decisions in Ukraine is the disproportionate number of state and private bailiffs. Ukraine operates a mixed system of decision

enforcement. This system could be effective if there were approximately equal numbers of private and state bailiffs (as of 2020, the actual number of state bailiffs was 4,411, and private bailiffs were 259). At least, in some states (Bulgaria, Georgia, Greece), similar systems have already proven effective under these conditions. However, in the Ukrainian context, such parity does not exist, meaning that state bailiffs, nearly twenty times more numerous, bear the greater responsibility and workload. Excessive bureaucracy in the execution process, difficulties accessing relevant registers and databases, and corruption challenges create conditions for delaying judicial decision enforcement by state bailiffs ([Gorinov & Mereniuk, 2022](#); [Roskoshnyi, 2023](#)). Based on the statistics provided and practices in other countries, increasing the effectiveness of the executive service would require the involvement of a larger number of private bailiffs.

The balance of public and private enforcement of court decisions: challenges and prospects

At the same time, Ukraine must continue using the mixed system of enforcement proceedings. The presence of state bailiffs should be maintained at a level sufficient to enforce court decisions that, from a commercial perspective, are less attractive for financial compensation for bailiffs, such as decisions in cases involving economically disadvantaged citizens or resolving minor property disputes ([Haltsova et al., 2024](#); [Kerniakovych-Tanasiichuk et al., 2021](#); [Romaniuk et al., 2024](#)). There are legislative restrictions concerning the work of private bailiffs. For example, the jurisdiction of state bailiffs includes the enforcement of decisions from the European Court of Human Rights, court decisions against the state (or enterprises and institutions where the state owns at least 25%), as well as court decisions in favour of the state, and so on ([Khalymon & Prytula, 2019](#); [Meleshevich & Forstein, 2014](#); [Shevchuk et al., 2019](#); [Shevchuk, Lysodyed, et al., 2023](#)). These restrictions are unnecessary, as the professionalism of private bailiffs is on par with that of state bailiffs. There are well-founded reasons to believe that if a specialist has completed all the necessary accreditation and training levels, they are sufficiently professional to provide such services. For this reason, there are current and relevant demands to expand the powers of private bailiffs. This approach would help streamline the enforcement of court decisions, facilitating the implementation of rulings in civil proceedings, which would significantly improve the efficiency of the judiciary as a means of protecting human rights.

An additional issue for the Ukrainian enforcement system is the consideration of court complaints regarding the actions of private or state bailiffs. The defendant's party submits complaints about almost every action the bailiffs take, even disputing basic actions such as directing requests to obtain necessary information about the debtor or their property. As a result, enforcing a court ruling transforms into an additional judicial process, focusing on examining complaints against the bailiff's actions. While filing such complaints does not provide a legal basis for cancelling an effective court ruling, the complaints affect the enforcement process, causing delays. At a minimum, bailiffs must attend additional court hearings, prepare necessary materials, and incur financial costs. In practice, both private and state bailiffs may make occasional errors that need to be addressed in court, but these instances do not constitute a systemic issue and are exceptions to the rule. From this perspective, such complaints against the actions of

bailiffs by the party subject to enforcement of the court's decision can be seen as a form of legal abuse. This legal issue is not unique to Ukraine. Similar challenges are widely observed in some Asian and European countries. The experiences of the European justice system were briefly assessed by [Magalhães et al.](#) (2023), while [Mappasessu](#) (2024) analyzed the role of judicial institutions in ensuring Sharia economic law in Indonesia.

Existing Issues and Proposals

We believe the optimal solution is to apply mechanisms such as strengthening court fees as a compensatory tool. This approach could indirectly discourage claimants from submitting groundless claims and motions to the court. Compared to claims, using court fees for complaints about the actions of bailiffs is a viable alternative. This approach should not infringe on an individual's or citizen's right to access justice ([Shevchuk, Lysodyed, et al.](#), 2023). Currently, the standards of the European Court of Human Rights, national decisions from courts in European Union member states, and other existing practices do not allow the collection of court fees to be considered a tool for restricting access to justice. We are referring to the use of proportional or differentiated rates, which are economically justified, with exceptions for their application, as well as provisions for deferrals, instalments, or even reductions in the amount owed.

The outlined problems and proposals for improving the effectiveness of enforcement in Ukraine can be summarised (see Table 1) for further academic discussion.

Table 1. Existing issues and proposals for improving the enforcement of court decisions
(Source: Authors' development)

Issue	Proposal
Economic problems with the implementation of court decisions	<ol style="list-style-type: none"> 1. The possibility of making decisions on debt restructuring. 2. A unique government program for debt financing exists. 3. Lifting of moratoriums on the sale of state property (property objects where the state's share is more than 25%). 4. Reduction of state-owned companies and enterprises, from which it is challenging to obtain appropriate compensation even with the involvement of bailiffs.
Impeding the operation of automated systems for the execution of court decisions	The need to expand access to databases and state registers
Debtor abuse, corruption challenges	<ol style="list-style-type: none"> 1. Amendments to the laws of Ukraine. 2. Improved digitalisation and openness of enforcement proceedings.
A disproportionate number	<ol style="list-style-type: none"> 1. Increasing the number of private bailiffs.

of state and private bailiffs	<ol style="list-style-type: none"> 2. Expanding the order of cases in which private bailiffs can be involved. 3. Preservation and optimisation of the work of the state bailiff service.
Unfounded complaints about the work of bailiffs	<ol style="list-style-type: none"> 1. Payment of a court fee for filing charges against the actions of bailiffs. 2. Use a proportional or differentiated rate with an economic justification, exceptions to application, tools for introducing a deferral of payment, instalments, or even a reduction in the court fee.

Thus, scholars' proposals regarding improving court decision enforcement are pretty extensive. However, some issues are complex and can only be resolved through amendments to the legislative framework; they will require a comprehensive review and solution.

The enforcement of court decisions in Ukraine represents a significant challenge that directly impacts the level of trust in the judiciary. The primary research issue involved analysing the key factors limiting the effective implementation of court rulings in Ukraine. This objective required a thorough examination of the specific problems related to the enforcement process that directly affect the effectiveness of justice and a detailed review of potential solutions for improving the situation, particularly those suggested in academic literature.

The findings highlight that the efficiency of enforcing court decisions is crucial for justice, economic development, and investment attractiveness. Researchers have consistently emphasised this ([Mappasessu](#), 2024; [Meleshevich & Forstein](#), 2014; [Shevchuk et al.](#), 2019). Among the significant issues identified are financial constraints and legislative restrictions that prevent bailiffs from fully or even partially enforcing court rulings. Legislative acts, such as moratoriums on debt collection from enterprises with at least 25% state ownership, exacerbate these challenges. This situation is rightly classified as a legal contradiction, necessitating legislative amendments or the gradual repeal of such moratoriums ([Luchtman et al.](#), 2023; [Ribeiro & Fondevila](#), 2023).

These findings support the first hypothesis of the study, which proposed that an inefficient organisational framework within the enforcement service significantly hinders the enforcement process. This indicates that inherent flaws in the enforcement service's organizational structure significantly contribute to the difficulties in carrying out court orders in Ukraine. Put another way, the enforcement mechanism itself is ineffective even when there are legitimate reasons for judgments to be carried out by force. Process delays, a rise in complaints, and an overall decline in public confidence in the legal system follow this. The gradual reduction of state ownership and even the complete privatisation of enterprises and institutions is suggested as a potential solution. However, scholars rightly argue that during wartime, complete privatisation of state-owned assets is infeasible ([Jaworski](#), 2024; [Pūraitė-Andrikiienė](#), 2023). Furthermore, many state and

municipal institutions would remain in public ownership, necessitating a more flexible approach.

Researchers' proposals to establish special reserve funds for compensation resulting from court rulings appear more practical ([Korniienko & Petrunenko, 2023](#); [Obikhod & Bilenchuk, 2021](#)). However, such approaches require further refinement, as a complete divestiture of state-owned enterprises is neither realistic nor desirable. A more nuanced solution might involve legislative amendments mandating the inclusion of necessary funds in the budgets of state-owned enterprises, especially those with less than 75% state ownership. Specifically, increasing the threshold for moratoriums from 25% to 75% could filter out a significant proportion of organisations that exploit their state capital share to evade judicial enforcement.

Considering that the proportion of state enterprises with more than 75% state ownership is relatively low, this adjustment would facilitate compliance with court rulings while allowing for better budget planning for enforcement obligations. Such legislative changes would balance public ownership interests with the need for effective judicial enforcement.

The results highlight the importance of automating certain aspects of judicial decision enforcement, a finding that also validates the study's second hypothesis. Further advancement in this direction remains highly relevant, as corroborated by other research ([Muraev et al., 2021](#); [Mytnyk et al., 2020](#); [Teremetskyi et al., 2024](#)). Additionally, the issue of regulating the activities of private judicial executors requires attention. Expanding their rights and the scope of cases they are authorised to enforce is recognised by researchers as a promising avenue for improvement. However, the proposal to grant private executors full authority to handle cases where the state is the defendant remains contentious ([Iliev, 2022](#); [Krap et al., 2024](#)). Considering the ongoing Russian aggression and the sensitive nature of the defence sector and related areas, involving vetted state-appointed executors in such cases appears to be a more viable solution.

Furthermore, scholars point out the higher success rates of private executors, mainly when dealing with private disputes involving court rulings, which are generally less complex than cases involving state institutions ([Iliev, 2022](#); [Prokopenko & Sapinski, 2024](#)). This factor underscores the need for qualitative legislative changes to the framework for enforcing judicial decisions. Without such reforms, significant improvements in enforcement outcomes may not materialise, even with the involvement of private executors, who are often more motivated by performance-based fees.

This perspective also relates to the challenges posed by obstacles in judicial enforcement. Other studies support the introduction of court fee payments (provided they are reasonably priced), indicating the potential of such measures to counter deliberate system abuses ([Gruev, 2023](#)).

The findings also draw attention to corruption-related challenges that impede the enforcement of judicial decisions. These include intentional inaction by bailiffs who may deliberately perform their duties inadequately. There is a pressing need for a

comprehensive review of legislative measures to counter corruption. The results reinforce the views of other researchers, suggesting that transparency, mainly achieved through digital tools, is an effective solution ([Kelemen & Pavone](#), 2021; [Shevchuk, Protsiuk, et al.](#), 2023). This approach requires minimal capital investment yet yields significant outcomes ([Myroslavskyi & Leshchenko](#), 2022; [Shelever et al.](#), 2024; [Shevchuk et al.](#), 2024). Future transformations in the enforcement procedures could accelerate the process and address challenges related to unprofessional or wilfully negligent conduct by executors ([Mazur et al.](#), 2023).

The methodology employed in this study has certain limitations that must be considered for future research. Firstly, scholarly sources were selected based primarily on their chronological relevance. The study predominantly utilised research published within the last five years in peer-reviewed academic journals indexed in bibliometric databases. While this ensures the credibility and contemporary significance of the sources, it is plausible that some older studies remain pertinent, given that the issue of judicial decision enforcement is not a novel concern. As a result, it's possible that some enduring structural problems with the implementation of court rulings were overlooked or underreported when viewed in the context of their longer-term evolution. This could therefore limit the study's capacity to provide long-term or historically informed recommendations and restrict the breadth of its analytical scope.

Another limitation relates to the focus on Ukraine and its specific experience. Materials published in Ukrainian were excluded from the analysis. The methodology explicitly prioritised studies published in English to facilitate additional critique and analysis within the multinational research community, which tends to engage more actively with English-language publications. However, this approach might have overlooked specific relevant perspectives. Although these omissions do not affect the overall findings, they could form the basis for future research with alternative objectives.

IV. CONCLUSION

Enforcing court decisions in Ukraine is a complex and urgent issue hindered by several interrelated factors. Economic constraints, limited access to registry databases, and a lack of automation significantly delay enforcement. Legal inconsistencies and corruption, including frequent obstruction by debtors and abuse of legal mechanisms, further exacerbate the problem. A major structural imbalance also exists between state and private executors, with the former having broader powers while the latter are often excluded from cases involving the state. To address these challenges, comprehensive reforms are needed, including updating compensation mechanisms for judicial debts, revising the moratorium on the sale of state assets (allowing up to 75% privatization), and introducing debt restructuring options. Enhancing transparency and granting court enforcers better access to state registries would also improve effectiveness. Drawing on EU practices, where privatization of enforcement services increased efficiency by 18%, Ukraine could similarly benefit from expanding the role of private executors. This would encourage healthy competition and improve overall performance. Ultimately, these reforms—centered on structural modernization, transparency, and expanded

privatization—are essential for restoring public trust in Ukraine's judicial system and reinforcing the rule of law.

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